

JUDGE KARAS

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

BRIAN LAPRE

Plaintiff,

-against-

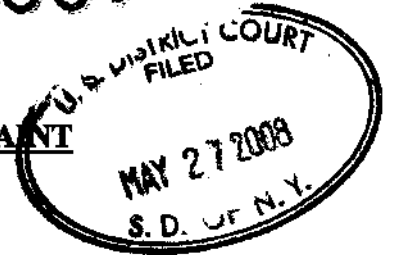
METRO-NORTH COMMUTER RAILROAD,

Defendant.

08 CIV 48897

08 Civ.

COMPLAINT



PLAINTIFF DEMANDS TRIAL BY JURY

Plaintiff, by his attorneys, Cahill, Goetsch & Maurer, P.C., complains of the Defendant and alleges:

AS AND FOR A FIRST CAUSE OF ACTION

FIRST: This action is brought under the Federal Employers' Liability Act (45 U.S.C. Sec. 51 et seq.).

SECOND: The Defendant is a corporation engaged in interstate commerce by rail and operates a railroad system and railroad yards within the jurisdiction of this Court and in various other States.

THIRD: At the time the plaintiff received the injuries complained of, and at all times hereinafter mentioned, the defendant employed the plaintiff as a Carman/Switcher under its direction, supervision and control and in furtherance of defendant's business in interstate commerce.

FOURTH: At the time the plaintiff received the injuries complained of, and at all times hereinafter mentioned, the defendant maintained, operated and controlled a line of railroad known as the Hudson Division Line, and which contained defendant's Croton-Harmon Railroad

facility, shops, tracks, rails, switches, sidings, roadbeds and appurtenances thereto, over, through and upon which the Defendant operated engines, trains and cars under its control and direction.

FIFTH: At the time plaintiff received the injuries complained of, plaintiff, an employee of the defendant, was performing his assigned duties as a Carman/Switcher and was acting in furtherance of interstate commerce or in work closely or substantially affecting the same.


SIXTH: That on or about July 1, 2005, while the Plaintiff, an employee of the Defendant, was performing his assigned duties as a Carman/Switcher in the vicinity of defendant's Croton-Harmon Maintenance Facility, defendant, its agents, servants and employees, negligently and carelessly conducted themselves toward the Plaintiff in failing to provide Plaintiff with a reasonably safe place to work; in failing to provide proper supervision; in failing to provide adequate manpower and tools; and, in failing and neglecting to enact and enforce safety, operating and maintenance rules, regulations, procedures, and practices for activities carried out by its personnel at the said place which would have prevented plaintiff's injury, and that all of the foregoing brought about severe and disabling injuries to the Plaintiff.

SEVENTH: As a result of said injuries, plaintiff has suffered lost wages and benefits, impairment to earning capacity, medical expenses, pain, suffering, mental anguish and disfigurement.

WHEREFORE, in order to fairly and justly compensate the negligently injured plaintiff and thereby promote safe operating conditions on the defendant railroad, plaintiff demands a jury verdict and judgment against the defendant railroad on the first cause of action in the amount of ONE MILLION (\$1,000,000.00) DOLLARS; and plaintiff demands costs and post-judgment interest in addition to any further relief which the Court deems just and equitable.

Dated: White Plains, New York
May 19, 2008

CAHILL, GOETSCH & MAURER, P.C.
Attorneys for Plaintiff

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